

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP
(954) 797-1101

SUBJECT: Ordinance - ZB (TXT) 3-1-01

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-208, ENTITLED "REQUIREMENTS FOR OFF-STREET PARKING, (E), OVERFLOW AREAS," TO CORRECT AN ERROR RESULTING FROM ORDINANCE 91-33; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

This amendment to the Code of Ordinances is being brought forth solely for the purpose of correcting errors that were made in Ordinance 91-33 when additional uses were added to Requirements for Off-Street Parking. Ordinance 91-33 amended subparagraph (A), minimum requirements, of Section 12-208 Requirements for Off-Street Parking, but did not amend subparagraph (E), Overflow Areas, to correspond to the amendments in subparagraph (A). The result of the error is that churches, mortuaries, places of public assembly, and schools the code previously allowed to have overflow grassed parking areas cannot, and uses never intended to have overflow grassed parking are permitted to have some.

PREVIOUS ACTIONS:

Town Council approved Ordinance 91-33 on September 4, 1991.

CONCURRENCES:

The Planning and Zoning Board recommended approval of the request at its March 14, 2001 meeting (Motion carried 4-0).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve.

Attachment(s): Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-208, ENTITLED "REQUIREMENTS FOR OFF-STREET PARKING, (E), OVERFLOW AREAS," TO CORRECT AN ERROR RESULTING FROM ORDINANCE 91-33; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council adopted Ordinance 91-33 on September 4, 1991;

WHEREAS, Ordinance 91-33 amended subparagraph (A), "Minimum Requirements," of Section 12-208, but did not amend subparagraph (E), "Overflow Areas", to correspond to the amendments in subparagraph (A);

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the Code of Ordinances be changed to reflect the uses that were intended to be specified in Section 12-208(E) Overflow Areas when the Code of Ordinances was amended by ordinance 91-33 on September 4, 1991;

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of the adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That Section 12-208, "Requirements for off-street parking," of the Town Code is hereby amended as follows:

(E) Overflow Areas: A maximum of twenty (20) percent of required parking, as specified in subparagraphs (A)(4) (5), ~~(18)~~ (20) and ~~(21)~~ (23) above, may be provided in grassed overflow area on the submitted site plan. A maximum of seventy-five (75) percent of required parking as specified in subparagraph (A)(30) (33) may be provided in grassed overflow area. Such overflow areas shall be designated as such on an approved site plan and shall be designed to the criteria set forth in this section. Areas so designated as overflow areas shall not count towards any required landscaping and shall be exclusive of required drainage and/or septic tank and septic drainage areas.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2001.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2001.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001